

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*
Plaintiffs,

v.

Civ. Action No.: 14-cv-00029-AB

National Football League and
NFL Properties, LLC,
successor-in-interest to
NFL Properties, Inc.,
Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**JOINT APPLICATION BY CLASS COUNSEL AND COUNSEL FOR THE
NATIONAL FOOTBALL LEAGUE AND NFL PROPERTIES LLC
FOR APPOINTMENT OF AN ADDITIONAL APPEALS ADVISORY
PANEL CONSULTANT FOR LIMITED PURPOSES**

Class Counsel and Counsel for the National Football League and NFL Properties LLC ("Counsel for the NFL Parties," and collectively, the "Parties") hereby recommend for appointment by the Court an additional Appeals Advisory Panel Consultant ("AAPC") for the limited purpose of assisting the Parties' compliance with the Court's March 8, 2021 Order.

The Settlement Agreement creates two panels of experts for the Settlement Program, the Appeals Advisory Panel ("AAP") and the AAPCs. The AAP was originally

contemplated to be composed of five (5) board-certified neurologists, board-certified neuro-surgeons, and/or other board-certified neuro-specialist physicians that are agreed to and jointly recommended by Class Counsel and Counsel for the NFL Parties, and appointed by the Court. The AAPCs were originally contemplated to be three (3) neuropsychologists certified by the American Board of Clinical Neuropsychology (ABCN), a member of the American Board of Professional Psychology (ABPP), in the specialty of Clinical Neuropsychology that are agreed to and jointly recommended by Class Counsel and Counsel for the NFL Parties, and appointed by the Court.

The AAPCs are available to provide advice to members of the AAP, the Court, or the Special Masters on the neuropsychological testing that is part of the Settlement Program as pertaining to the Qualifying Diagnoses of Level 1.5 Neurocognitive Impairment and Level 2 Neurocognitive Impairment, and Level 1 Neurocognitive Impairment under the Baseline Assessment Program if subject to review by a member of the AAP.

On March 8, 2021, this Court referred the NFL Parties and Class Counsel to Magistrate Judge David Strawbridge to “seek to address the concerns relating to the race-norming issue.” (ECF No. 11302 (the “Order”).) The Parties, along with their respective experts, have been working collaboratively and diligently with Judge Strawbridge and the existing Court-appointed neutral experts to address the Court’s concerns.

This process has been time and labor intensive, but all involved understand the urgency and complexity of the task at hand. The Parties, their experts, and the Court’s neutral experts, have jointly identified one of the leading experts of neuropsychological norms, Dr. James Holdnack. Dr. Holdnack’s expertise in the field and service as a court-

appointed neutral will expedite and enhance the Parties' ongoing work "to address the concerns relating to the race-norming issue," consistent with the Court's Order.

Accordingly, in consideration of Dr. Holdnack's qualifications listed in his *curriculum vitae* (attached as Exhibit 1), including his professional and academic education, training and experience, Class Counsel and Counsel for the NFL Parties respectfully request that the Court appoint Dr. Holdnack to serve as an AAPC for the limited purpose of assisting the Parties' compliance with the Court's Order.

It is so STIPULATED AND AGREED,

By: /s/ Christopher Seeger

By: /s/ Brad S. Karp

Date: 06/14/2021

Date: 06/14/2021

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Class Counsel

Counsel for the NFL Parties

It is so **ORDERED**, this ____ day of _____, 2021, that the recommended candidate for the AAPC is **APPROVED**.

ANITA B. BRODY, J.

Copies **VIA ECF** on _____ to:

Copies **MAILED** on _____ to: